

STEVEN M. WATT* swatt@aclu.org
BEN WIZNER (SBN 215724) bwizner@aclu.org
JAMEEL JAFFER* jjaffer@aclu.org
STEVEN R. SHAPIRO* sshapiro@aclu.org
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY, 10004
Tel. 212.549.2500 / Fax 212.549.2651

ANN BRICK (SBN 65296) abrick@aclunc.org
ACLU FOUNDATION OF
NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, CA, 94111
Tel. 415.621.2493 / Fax 415.255.1478

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN CALIFORNIA
San Jose Division**

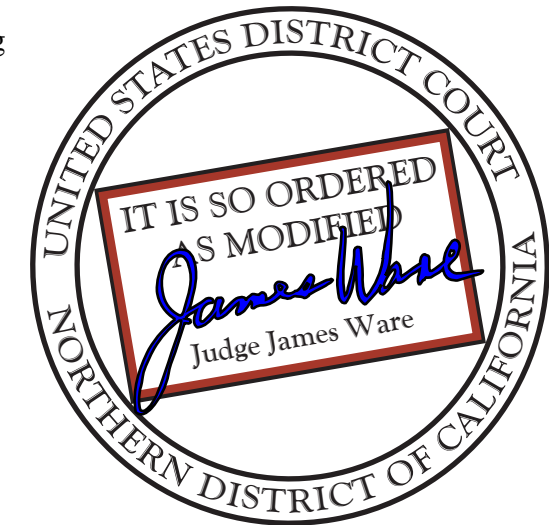
**BINYAM MOHAMED;
ABOU ELKASSIM BRITEL;
AHMED AGIZA;
MOHAMED FARAG AHMAD
BASHMILAH;
BISHER AL-RAWI**

Plaintiffs,

v.

JEPPESEN DATAPLAN, INC.

Defendant.



Civil Action No. 5:07-cv-02798 (JW)

**STIPULATION AND [PROPOSED]
ORDER RE: PAGE LIMITS FOR
PLAINTIFFS' OPPOSITION TO UNITED
STATES' MOTION TO DISMISS, OR IN
THE ALTERNATIVE, FOR SUMMARY
JUDGEMENT**

**ORDER SETTING CASE MANAGEMENT
CONFERENCE**

1 JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General
2 SCOTT N. SCHOOLS
United States Attorney
3 CARL J. NICHOLS
Deputy Assistant Attorney General
4 JOSEPH H. HUNT
Director, Federal Programs Branch
5 VINCENT M. GARVEY
Deputy Director, Federal Programs Branch
6 MICHAEL P. ABATE
Trial Attorney
7 michael.abate@usdoj.gov
U.S. Department of Justice
8 Civil Division, Federal Programs Branch
9 20 Massachusetts Avenue, NW
10 Washington, DC 20001
11 Phone: (202) 616-8209
Fax: (202) 616-8470
12 *Attorneys for the United States of America*

13
14 **STIPULATION AND PROPOSED ORDER**

15 WHEREAS on October 19, 2007, the United States filed a Motion to Intervene, and a
16 separate Motion to Dismiss, or in the Alternative, for Summary Judgment, in this action,
17 both of which are currently scheduled for argument on February 4, 2008;

18 WHEREAS, by Stipulation and Order of this Court dated November 2, 2007 the parties
19 agreed upon a briefing schedule on the United States' Motions;

20 WHEREAS, Plaintiffs are seeking leave of court to file a sixty (60) page brief in support
21 of their Opposition to United States Motion to Dismiss, or in the Alternative, for
22 Summary Judgment.

23 WHEREAS Counsel for the United States does not oppose Plaintiffs' motion to file a
24 brief of up to sixty (60) pages;

1 NOW THEREFORE, Plaintiffs and the United States, through their undersigned counsel,
2 hereby stipulate to the following page limit and ask that the Court make this stipulation
3 an order of the Court:

4 Plaintiffs shall be permitted to file a brief in opposition to United States Motion to
5 Dismiss, or in the Alternative, for Summary Judgment not to exceed sixty (60) pages.

6 Dated: December 5, 2007

7 UNITED STATES DEPARTMENT OF JUSTICE

8 By: /s/ Michael P. Abate

9
10 _____
11 Michael P. Abate

12 AMERICAN CIVIL LIBERTIES UNION FOUNDATION

13 By: /s/ Steven M. Watt


14
15 _____
16 Steven M. Watt

17 *** ORDER ***

18 Pursuant to the parties' Stipulation, the Court GRANTS Plaintiffs' administrative motion
19 for enlargement of pages in their reply.

20 In addition, the Court invites the parties in for a Case Management Conference to discuss
21 issues regarding potential conflicts which must be resolved prior to the Court's hearing on
22 Defendants' motion to dismiss. Accordingly, the parties shall appear for a Case Management
23 Conference on January 7, 2008 at 10 A.M.

24 Dated: December 20, 2007

25 
26 _____
27 JAMES WARE
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ADMINISTRATIVE MOTION FOR ENLARGEMENT OF PAGES BY PLAINTIFF, STIPULATION AND [PROPOSED] ORDER RE: PAGE LIMITS FOR PLAINTIFFS' OPPOSITION TO UNITED STATES' MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGEMENT** will be served by means of the Court's CM/ECF system, which will send notifications of such filing to the following:

JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General

SCOTT N. SCHOOLS
United States Attorney

CARL J. NICHOLS
Deputy Assistant Attorney General

JOSEPH H. HUNT
Director, Federal Programs Branch

VINCENT M. GARVEY
Deputy Director, Federal Programs Branch

1 MICHAEL P. ABATE
2 Trial Attorney

3 U.S. Department of Justice
4 Civil Division, Federal Programs Branch
5 20 Massachusetts Avenue, NW
6 Washington, DC 20001
7

8 /s/ Steven M. Watt
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26